

# SENATE JOURNAL

OF THE

## IDAHO LEGISLATURE

FIRST REGULAR SESSION  
SIXTY-THIRD LEGISLATURE

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**FORTY-SIXTH LEGISLATIVE DAY  
THURSDAY, FEBRUARY 26, 2015**

Senate Chamber

President Pro Tempore Hill called the Senate to order at 10 a.m.

Roll call showed all members present except Senators Davis, and Stennett, absent and excused. [District 17 seat is temporarily vacant.]

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Kayla Christensen, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 25, 2015, was read and approved as corrected.

LODGE, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

February 26, 2015

The JUDICIARY AND RULES Committee reports that [S 1105](#), [S 1106](#), [S 1107](#), and [S 1108](#) have been correctly printed.

LODGE, Chairman

[S 1105](#) and [S 1106](#) were referred to the State Affairs Committee.

[S 1107](#) was referred to the Local Government and Taxation Committee.

[S 1108](#) was referred to the Transportation Committee.

February 25, 2015

The JUDICIARY AND RULES Committee reports that [S 1028](#) has been correctly enrolled.

LODGE, Chairman

The President Pro Tempore signed Enrolled [S 1028](#) and ordered it transmitted to the House for the signature of the Speaker.

February 24, 2015

The HEALTH AND WELFARE Committee reports it has had under consideration the Gubernatorial reappointments listed below and the Committee recommends that said reappointments be confirmed by the Senate:

Curt Fransen as the Director of the Department of Environmental Quality, term to expire January 7, 2019.

John McCreedy to the Board of Environmental Quality, term to expire July 1, 2018.

Kermit Kiebert to the Board of Environmental Quality, term to expire July 1, 2018.

HEIDER, Chairman

The Gubernatorial reappointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 25, 2015

The COMMERCE AND HUMAN RESOURCES Committee reports it has had under consideration the Gubernatorial reappointments listed below and the Committee recommends that said reappointments be confirmed by the Senate:

Gavin Gee as the Director of the Department of Finance, term to expire January 7, 2019.

Jeffery Sayer as the Director of the Department of Commerce, term to expire January 7, 2019.

Thomas P. Baskin to the Idaho Industrial Commission, term to expire January 13, 2021.

TIPPETS, Chairman

The Gubernatorial reappointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 25, 2015

The RESOURCES AND ENVIRONMENT Committee reports out [HJM 2](#), [S 1100](#), and [SCR 107](#) with the recommendation that they do pass.

BAIR, Chairman

[S 1100](#) was filed for second reading.

[HJM 2](#) and [SCR 107](#) were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 25, 2015

The RESOURCES AND ENVIRONMENT Committee reports out [S 1059](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

BAIR, Chairman

There being no objection, [S 1059](#) was referred to the Fourteenth Order of Business, General Calendar.

February 25, 2015

The LOCAL GOVERNMENT AND TAXATION Committee reports out [HCR 4](#) with the recommendation that it do pass.

SIDDOWAY, Chairman

[HCR 4](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 25, 2015

The JUDICIARY AND RULES Committee reports out [S 1004](#) and [S 1054](#) with the recommendation that they do pass.

LODGE, Chairman

[S 1004](#) and [S 1054](#) were filed for second reading.

February 25, 2015

The EDUCATION Committee reports out [S 1088](#) with the recommendation that it do pass.

MORTIMER, Chairman

[S 1088](#) was filed for second reading.

February 25, 2015

The EDUCATION Committee reports out [S 1071](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

MORTIMER, Chairman

There being no objection, [S 1071](#) was referred to the Fourteenth Order of Business, General Calendar.

Senators Davis and Stennett were recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

### Messages from the House

February 25, 2015

Dear Mr. President:

I transmit herewith [H 123](#), [H 124](#), [H 125](#), [H 112](#), and [H 113](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 123](#), [H 124](#), [H 125](#), [H 112](#), and [H 113](#) were filed for first reading.

The Senate advanced to the Tenth Order of Business.

### Motions and Resolutions

The President Pro Tempore announced that the Resources and Environment Committee report relative to the Fish and Game appointment of Bob Barowsky was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Lee, seconded by Senator Burgoyne, the Fish and Game appointment of Bob Barowsky as a member of the Idaho Outfitters and Guides Licensing Board was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Fish and Game appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Fish and Game Commission informing them of the action of the Senate.

On request by Senator Winder, granted by unanimous consent, the committee report of the Gubernatorial appointment confirmation of Darrell Kerby retained its place on the calendar for Friday, February 27, 2015.

The President Pro Tempore announced that the Health and Welfare Committee report relative to the Gubernatorial reappointment of Richard Roberge was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Lodge, seconded by Senator Buckner-Webb, the Gubernatorial reappointment of Richard Roberge as a member of the State Board of Health and Welfare was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial reappointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President Pro Tempore announced that the Health and Welfare Committee report relative to the Gubernatorial reappointment of Stephen Weeg was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Lacey, seconded by Senator Guthrie, the Gubernatorial reappointment of Stephen Weeg as a member of the State Board of Health and Welfare was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial reappointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President Pro Tempore announced that the Transportation Committee report relative to the Gubernatorial reappointment of Rodger Lee Sorensen was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Winder, seconded by Senator Burgoyne, the Gubernatorial reappointment of Rodger Lee Sorensen as a member of the Aeronautics Advisory Board was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial reappointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President Pro Tempore announced that the State Affairs Committee report relative to the Gubernatorial appointment of Shane Gehring was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Lakey, seconded by Senator Burgoyne, the Gubernatorial appointment of Shane Gehring as a member of the Bingo-Raffle Advisory Board was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

President Little assumed the Chair.

The President announced that [SCR 106](#) was before the Senate for final consideration.

Moved by Senator Thayn, seconded by Senator Mortimer, that [SCR 106](#) be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES—Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Cameron, Davis, Den Hartog, Guthrie, Hagedorn, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Siddoway, Souza, Stennett, Thayn, Tippetts, Vick, Ward-Engelking, Winder. Total - 33.

NAYS—Schmidt. Total - 1.

Total - 34. [District 17 seat is temporarily vacant.]

Whereupon the President declared [SCR 106](#) adopted, title was approved, and the resolution ordered transmitted to the House.

The Senate advanced to the Eleventh Order of Business.

#### **Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials**

##### **S 1109**

##### **BY JUDICIARY AND RULES COMMITTEE AN ACT**

RELATING TO THE IDAHO UNIFORM BUSINESS ORGANIZATIONS CODE; REPEALING CHAPTER 4, TITLE 30, IDAHO CODE, RELATING TO THE IDAHO REGISTERED AGENTS ACT; REPEALING CHAPTER 13, TITLE 30, IDAHO CODE, RELATING TO PROFESSIONAL SERVICE CORPORATIONS; REPEALING CHAPTER 5, TITLE 53, IDAHO CODE, RELATING TO ASSUMED BUSINESS NAMES; REPEALING CHAPTER 7, TITLE 53, IDAHO CODE, RELATING TO THE UNIFORM UNINCORPORATED NONPROFIT ASSOCIATION ACT; AMENDING SECTION 41-3921, IDAHO CODE, TO REMOVE A PROVISION RELATING TO PROFESSIONAL SERVICE ORGANIZATIONS; AMENDING SECTION 54-1235, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 54-1510, IDAHO CODE, TO REVISE TERMINOLOGY AND TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 54-2113, IDAHO CODE, TO REVISE TERMINOLOGY AND TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 54-3003, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AND PROVIDING AN EFFECTIVE DATE.

[S 1109](#) was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 123](#), [H 124](#), and [H 125](#), by Resources and Conservation Committee, were introduced, read the first time at length, and referred to the Resources and Environment Committee.

[H 112](#) and [H 113](#), by State Affairs Committee, were introduced, read the first time at length, and referred to the State Affairs Committee.

The Senate advanced to the Twelfth Order of Business.

#### **Second Reading of Bills**

[S 1074](#), by Agricultural Affairs Committee, was read the second time at length and filed for third reading.

[H 43](#) and [H 96](#), by Transportation and Defense Committee, were read the second time at length and filed for third reading.

[H 110](#), by Education Committee, was read the second time at length and filed for third reading.

[S 1097](#), by Education Committee, was read the second time at length and filed for third reading.

[S 1066](#) and [S 1091](#), by State Affairs Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

#### **Third Reading of Bills**

On request by Senator Brackett, granted by unanimous consent, [S 1083](#) was recommitted to the Transportation Committee.

[S 1057](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Siddoway arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Cameron, Davis, Den Hartog, Guthrie, Hagedorn, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Tippetts, Vick, Ward-Engelking, Winder. Total - 34. [District 17 seat is temporarily vacant.]

Whereupon the President declared [S 1057](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1058](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Cameron, Davis, Den Hartog, Guthrie, Hagedorn, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Tippetts, Vick, Ward-Engelking, Winder. Total - 34. [District 17 seat is temporarily vacant.]

Whereupon the President declared [S 1058](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1098](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Vick arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Cameron, Davis, Den Hartog, Guthrie, Hagedorn, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayne, Tippetts, Vick, Ward-Engelking, Winder. Total - 34. [District 17 seat is temporarily vacant.]

Whereupon the President declared [S 1098](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1099](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Cameron, Davis, Den Hartog, Guthrie, Hagedorn, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Schmidt, Siddoway, Souza, Stennett, Thayne, Tippetts, Vick, Ward-Engelking, Winder. Total - 33.

NAYS—Rice. Total - 1.

Total - 34. [District 17 seat is temporarily vacant.]

Whereupon the President declared [S 1099](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, [S 1056](#) retained its place on the Third Reading Calendar for one legislative day.

[S 1086](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Thayne arose as sponsor of the bill and opened the debate.

On request by Senator Mortimer, granted by unanimous consent, [S 1086](#) and [S 1087](#) retained their place on the Third Reading Calendar for one legislative day.

[S 1060](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Heider arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Tippetts disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES—Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Davis, Guthrie, Hagedorn, Heider, Hill, Johnson, Lakey, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Rice, Siddoway, Souza, Stennett, Thayne, Tippetts, Vick, Ward-Engelking, Winder. Total - 26.

NAYS—Cameron, Den Hartog, Keough, Lacey, Lee, Lodge, Patrick, Schmidt. Total - 8.

Paired and voting included in roll call:

AYE - Johnson                      NAY - Schmidt

Total - 34. [District 17 seat is temporarily vacant.]

Whereupon the President declared [S 1060](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, House bills amended in the Senate were placed at the head of the Third Reading Calendar, followed by Senate bills, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

#### Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote, the Senate adjourned at 12 noon until the hour of 10 a.m., Friday, February 27, 2015.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary